

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6, 8-16 and 19-40 are pending, Claims 1, 8-16, 19-20 and 26 having been amended, and Claims 7, 17, 18 and 41 having been canceled without prejudice or disclaimer.

In the outstanding Office Action, Claims 1, 2, 4, 7-27 and 41 were rejected as being anticipated by Engstrom (U.S. Patent No. 6,549,756); and Claims 3, 5, 6 and 28-40 were rejected as being unpatentable over Engstrom in view of Yollin (U.S. Patent No. 5,990,866, hereinafter Yollin).

In reply, Claim 1 has been amended to incorporate the subject matter of Claims 7, 17 and 18. Therefore the amendment to Claim 1 does not raise a new issue and therefore this amendment is respectfully requested to be entered in the record. Amended Claim 1 is directed to a portable electronics input device. The device includes a body, a bioindex detecting means provided within a region including a holding position of a surface of the body that a user holds while performing the wireless communication, bioindex analyzing means for analyzing bioindex, wherein the surface of the body includes a first sensor on a first side of the body and a second sensor on the second side of the body. Claim 1 has further been amended to include the subject matter of Claim 7 and therefore includes a selector means for selecting at least one bioindex information having been detected by the bioindex detecting means, where the bioindex detecting means analyzes bioindex information which has been selected by the selector means. The input device also provides a control input unit to any one of electronics equipment including a personal computer, television game machine, steering unit, television image receiver, video and/or audio signal recording and/or reproducing device and air conditioner. Non-limiting support is found in the specification for example at page 9, last paragraph. Therefore no new matter is added.

A feature of the presently claimed invention is based on an observation by the present inventors, namely that conventional biosensors are used for discriminating individuals most commonly (page 2, first paragraph). Having the sensors positioned when under use by the operator allows for the detection to be stably performed such that the psychological index to be detected does not change depending upon a difference in the manner in which the user holds or grasps the device (specification page 4, second full paragraph). In this way, Applicants recognize that control of various equipment, such as digital televisions, television game machines or the like, may be performed through successively acquired bioindices during operation without allowing the user to explicitly execute acquiring the operation of bioindex (page 33, last paragraph to page 34, full text).

The Office Action asserts that Engstrom discloses all the elements of Claims 17 and 18, which have now been incorporated into amended Claim 1. In particular, Claim 1 has been amended to include the language that the input device is provided as a control input unit to any one of electronic equipment including personal computer, television game machine, steering unit, television image receiver, video and/or audio signal recording and/or reproducing device and air conditioner. The Office asserts that Engstrom properly discloses this feature at column 2, lines 51-67 and column 3, lines 1-39. However, this discussion in Engstrom merely describes that Engstrom includes a number of sensors that may be used to sense a number of blood flow rate readings of a user holding the wireless mobile phone. The concept for providing the heart rate information is that it allows for professionals an ability to use their mobile telephones as a heart rate monitor, which they can use when exercising or participating in physical activities (column 1, lines 22-31). However, Engstrom does not disclose having an input device serving as a control input unit to any one of another electronic equipment. Instead, Engstrom provides merely an ability to read one's heart rate on the mobile telephone, but doesn't contemplate using the bioindex information for

controlling any other device. As amended Claim 1 expressly requires this function and structure, it is respectfully submitted that amended Claim 1 patentably defines over Engstrom. Dependent Claims 2, 4 and 9-19 depend from amended Claim 1 and therefore are believed to patentably define over Engstrom. Likewise, Claims 20 and 26 have been amended similarly to amended Claim 1 and are therefore believed to patentably define over Engstrom. Likewise Claims 21-25 and 27 are believed to patentably define over Engstrom.

Claims 3, 5, 6 and 28-40 are believed to patentably define over Engstrom in view of Yollin, because even assuming Yollin teaches what the Office asserts it teaches, namely measuring temperature or galvanic skin response, even this teaching does not cure the deficiency with regard to Engstrom and the independent claims discussed above. Accordingly, it is respectfully submitted that Claims 3, 5, 6 and 28-40, as amended, also patentably define over Engstrom in view of Yollin.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by each of the remaining pending claims patentably defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073